

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

MAURA O'NEILL, AS ADMINISTRATOR OF  
THE ESTATE OF MADELYN E.  
LINSENMEIR,

PLAINTIFF

CIVIL ACTION No. 3:20-CV-30036

v.

HAMPDEN COUNTY SHERIFF'S  
DEPARTMENT AND MAUREEN COUTURE,  
DEFENDANTS

**AFFIDAVIT OF THOMAS E. DAY IN SUPPORT OF MOTIONS IN LIMINE OF THE  
HAMPDEN COUNTY SHERIFF'S DEPARTMENT AND MAUREEN COUTURE**

I, Thomas E. Day, hereby declare, based on personal knowledge, as follows:

1. I am an attorney at the law firm of Egan, Flanagan and Cohen, P.C., and I am one of the counsel of record for the defendants, the Hampden County Sheriff's Department (the "HCSD") and Maureen Couture (together, the "HCSD Defendants") in the above-captioned matter.
2. I submit this affidavit in support of the HCSD Defendants' Motions in Limine.
3. Attached hereto as **Exhibit A** is the Expert Report of Plaintiff's expert, Dr. Justin Berk.
4. Attached hereto as **Exhibit B** are the referenced pages of the deposition of Dr. Justin Berk.

5. Attached hereto as **Exhibit C** is the Expert Report of Plaintiff's expert, Dr. Simeon Kimmel.

6. Attached hereto as **Exhibit D** are the referenced pages of the deposition of Dr. Simeon Kimmel.

7. Plaintiff did not explicitly disclose the witness, Alexandria Cox, in either the Initial Disclosure or Supplemental Initial Disclosure.

8. After the close of discovery, plaintiff produced a Declaration of Alexandria Cox alleging that WCC staff did not assist Ms. Linsenmeir when other inmates requested assistance for her.

9. This Court allowed Defendants' motion to take the deposition of Ms. Cox and Defendants promptly issued a subpoena.

10. After Defendants' process server had some difficulty in locating her, resulting in delay, Ms. Cox was duly served with the Deposition Subpoena.

11. I spoke with her the night before the scheduled deposition and she assured me she would appear.

12. Efforts to reach her since then, both on the part of Defendants' process server and on my part, have been unsuccessful.

13. A motion for an order compelling her to comply with the Deposition Subpoena is currently before this Court.

14. Attached hereto as **Exhibit E** is the Declaration of Hayley Champagne.

15. Attached hereto as **Exhibit F** is the Declaration of Alexandria Cox.

Signed under the pains and penalties of perjury this 24th day of April, 2024.

/s/ Thomas E. Day  
Thomas E. Day

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies of this document will be mailed, first-class mail, postage prepaid, to any unregistered participants on April 24, 2024.

/s/ Thomas E. Day  
Thomas E. Day